G. R. S. App. F. IX-4]

1942 - 43.

220-42

File No. [illegible]

*Previous References.*
S+A Mp No 141-42 ( S+A )
" 169-41 (1-4)
S+A-443-42 (1-4)
*Later References.*

Serial Nos. [illegible]

1-2

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PRESERVED

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos.* TW-1

**Part B for** Dec. 42

SUBJECT.

Cancellation of a portion of the pension sanctioned to C. Gopal-Krishnaiya, Retired clerk Guntur

R Bkt of 4.12.42

To Comptroller to per-
States that Government have no
objection to the -

Ks

G. R. S. APP. F. III—1] 1942

GENERAL AND REVENUE SECRETARIAT.

( S+A )

NOTES.

File No. 220-42

FILE HEADING.

Re: Cancellation of the Commutation of a portion of pension sanctioned to S. Gopalakrishnaiah, Retired clerk, Dumka.

FROM

the Comptroller to Govt.

No. 3041 pension Dated 17th Nov 1942 Received 19-11-1942

Diary No. 1778 | Enclos. 1 | Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Forwards representation of S. Gopalakrishnaiah, retired clerk requesting for the cancellation of the Commutation of pension sanctioned to him & states that the pensioner is drawing the pension from 1-2-1942 without reduction.

NOTES AND ORDERS.

1) "Is cancellation admissible under Commutation rules if he repays the D.M.O's fee"

(Illegible) ADLR.

X 2) S. Gopalakrishnaiah retired clerk applied for Commutation of a portion of his pension. ~~and the same was sanctioned vide Govt. No. 4406-S/SA/1169-41-4 dt 12-1-19~~ the Senior Surgeon declared him eligible, the age being advanced by one year. the Comptroller calcu-

W

NOTES—First Sheet

ne amount on the recommendation of the Senior ingeer (i.e Rs 765/11) & forwarded to Govt for sanction. The same was sanctioned vide O.No.H. 4808 87 SA 169-41-4. dt 12-1-1942, payable n or after 1-2-1942.

3) On 19-3-42 he submitted a representation requesting to sanction Rs 4800/- instead of Rs 3645/11- or to cancel the commutation & to arrange or the refund of medical fees.

4) An endorsement was issued to him on 4-4-1942 informing that his request cannot e complied with.

5) Rule 13 of the rules for Commutation States that A Commutation once applied for, sanctioned and given effect to, cannot e rescinded i.e. the portion of a pension commuted cannot be restored on refund of its capitalized value.

6) In this case the applicant has not drawn the capitalized value of the commutation. He has drawn full pension from 1-2-1942 although the G.O. referred to above clearly Stated that payment of the commuted portion of the pension e e ases, will effect from 1-2-1942. The Deputy Commissioner, Treasury Department, Hassan has not given effect to the Govt order and has ~~Been requested by the Government to State the circumstances under which he~~ allowed the pension to be paid without any reduction.

Re Cancellation & Commutation.

1778

General and Revenue Secretariat | File No. 220 of 1942. | [App. F. III—2

Serial No.

The Comptroller has requested the Deputy Commissioner to state the circumstances under which he allowed the full pension to be paid to the party. The Comptrollers report may be awaited.

7) Rule 8 of the Manual of the pension Commutation Section (Madras) states that "when Commutation has been sanctioned the pensioner shall be informed accordingly, and shall have the option of withdrawing his application within one week after being so informed. If he does not withdraw his application with in that period, the Commutation of pension shall become absolute, & payment of the lump sum shall be made forthwith, payment of the commuted portion of the pension thereupon ceasing." In M.S.R there is no ~~option of withdrawing~~ provision Re the option of withdrawing the application after sanction.

8) The petitioner states that he applied to get an x 12-3-1942 for cancellation that he has not Tq been informed anything in the matter. As regards his petition referred to he was x duly intimated that his request cannot be complied with now he requests to cancel [illegible] sanctioned.

Submd for orders.

20/11/42

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

File No. of 194 . | General and Revenue Secretariat

Serial No.

9) The point in issue is whether an order sanctioning Commutation of a portion of pension may be Cancelled, at the request of the applicant, if he does not elect to avail himself of the sanction.

10) So far as our rules go, as at present, the only provision bearing on this point is Rule 13 which lays down that a "Commutation once applied for, sanctioned and given effect to, Cannot be rescinded i.e the portion of pension Commuted cannot be restored on refund of its Capitalised value". When is the Commutation to be deemed to have been given effect to? Is it immediately on stoppage of payment of the Commuted portion of pension from the date indicated in the G.O., or is payment of the Capitalised value to be taken as the essence of completion of the transaction?

11) As rescinding of the Commutation is interpreted in the rule itself as restoration of reduced pension on refund of the capitalised value by him, the previous drawal of such value by him is implied. After all the order passed is in compliance of the request of the applicant and in equity

1778 (5)



Serial No.

until payment is actually made to the party, no change affecting Govt. interests ~~have~~ takes place, and as such it may be held that the applicant has the option to withdraw his application and not draw the amount.

12) The Comptroller & the Treasury ~~could~~ ought anyhow to bring the reduction of pension ~~from the~~ into effect from the date ~~of~~ indicated in the G.O. and if the party ~~to~~ delays in applying for cancellation of commutation a question of refund to him of the withheld pension will arise. We may, as in British India, prescribe a time limit for exercising such option. ~~A~~ A months time may be specifically allowed, if approved, & if the option is not exercised the commutation may become ~~absolute~~ absolute.

13 (In this case, he applied 2 months after date of G.O. ~~&~~ The request may perhaps be allowed ~~now~~

GBL 23/11

Yes

14) may be allowed

23.11.41

Mr Jog

15) KLL 26.11

Agreed

OFFICE OF THE MINISTER FOR REVENUE
25 NOV 1947
4259.

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

HA File No. 226 of 1942

General and Revenue Secretariat.

Serial No.

Submitted with a draft for orders

30/11

17/12

2/12

H 3448 dt 4-12-42

2

To the Comptroller to govt:

"Cancelling the Commutation sanctioned to S. Gopalakrishnaiah retired clerk".

H 3449 dt 4-12-42

Copy to S. Gopalakrishnaiah.

Submitted.

Kind orders solicited on paras 6 ~~supra~~.

and 12 supra.

5/12/42 In the absence of orders on the points raised no action is necessary & the papers may be filed

5/12

6/12

B

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.**

**Comptroller's Office, Bangalore.**

*No.* 304 Pen *Dated the* 17th November 1942.

SHA 220-42-1

Rajasevaprasakta
A.N. Raghavachar Esq., M.A.,
Secretary to the Government of Mysore,
Finance Department, Bangalore.

Sir,

I have the honor to forward herewith an application received from Mr. S. Gopalakrishniah, Retired Clerk, praying for the cancellation of the commutation of a portion of his pension sanctioned to him and requesting permission to continue to draw the pension at the original rate for information and orders.

The commutation was sanctioned in G.O.No. Fl.4406-8/S&A 169-41-4 dated 12-1-1942 and the same was authorised in this office No.66 dated 27-1-42 for payment at Hassan District Treasury on or after 1-2-1942 and the pension should have been reduced from that date as per Government Order referred to above. But as the pensioner is drawing ~~drawing~~ the

pension from 1-2-1942 without reduction, the Deputy Commissioner, Treasury Department, Hassan, has been requested to state the circumstances under which he allowed the pension to be paid without reduction. Pending orders of Government on the party's application for cancellation of the commutation, both halves of P.P.O have been got back and kept in this office. If it is ordered that the cancellation cannot be accepted, the amount of pension paid in excess will be adjusted from the commuted value still due to the pensioner.

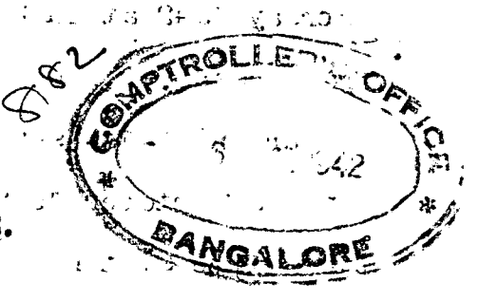
I have the honor to be,
Sir,
Your most obedient servant,

J.B. Lobo
For Comptroller

CV/16

To

The Comptroller,
Government of Mysore,
BANGALORE.




Petitioner:-

S.Gopalakrishniah, Retired Clerk,
C/O Mr. G.Suryanarayana, Chief Officer, Tumkur.

Respected Sir,

The Petitioner begs to bring the few following lines to your kind consideration and favourable orders.

The petitioner is the holder of Pension Certificate No. 14973 dated 22-9-1935 the amount of pension being Rs.17-8-0 On the application submitted by the Petitioner for the grant of commutation pension after deducting Rs. 4-0-0 out of the pension payable to him, he was endorsed to the effect that his petition has been registered as No. 147/41-42 and further he was asked to credit the required fees and to produce the Medical Certificate. Accordingly the Petitioner creditted the amount and also submitted the Medical Certificate, when he was informed that a sum of Rs. 365-11-0 has been sanctioned and he may receive the said amount at Hassan District Treasury on 1-2-1942. But the Petitioner did not take the amount. He again submitted another application stating that the said amount was less than what it ought to have been at Rs. 4/- per month for 10 years and to reject his application for the grant of commutation pension itself, for which he was informed with No. 1399 dated 9-3-42, that the amount sanctioned is correct and he must approach Government for the rejection of his application for commutation pension. No sooner he applied for the rejection of his application, to Government on 12-3-1942. Hitherto the Petitioner has not been informed of any thing in the matter.

The Petitioner is receiving the Pension from February

February 1942 at Tumkur District Treasury the same being transferred from Hassan. When he appeared before the District Treasury, Tumkur on 31-10-1942 for receiving his pension amount for the month of October 1942, his pension certificate was taken by the Office stating that the same has to be sent to the Comptroller's Office.

Now the prayer of the petitioner is that as he is not in need of money, his application for the grant of commutation pension may kindly be caused to be rejected by recommending the matter to Government and to allow the Petitioner to draw his pension of Rs. 17-8-0 in full every month, the pension certificate being returned.

For the act of kindness and generosity, the petitioner will ever remain grateful.

Dated 4-11-1942. Petitioner.

Tumkur

1360

Appendix F G—1]

SUBJECT Re: Cancellation & Commutation of pension.

2 copies

Diary No. of letter replied to 1778 71.

General and Revenue Secretariat

( )

the 19 .

Date of issue 4.12.42

Signed by [illegible] J.V.S.

to permit

List of enclosures

Copied by

Examined by

Section S 14

File No. 220-42

Serial No. 2

No. A 3448

To The Comptroller to Govt.

Sir,

With reference to your lette
no 304/pen dated 17-11-1942 forward
the petition of S. Gopalakrish
retired clerk, praying for the Ca
of the Commutation of a port
his pension, I am direct
state that in the circumstan
Reported, Govt. have no
the Cancellation of the Co
sion Sanctioned
in Go. no. 3
S 14
dy 12-1-1942.

I have etc

CPO

For financial Secy to Govt

WD 086—GPB—40,000—30-7-40